

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

JUDGE PAMELA A. BARKER

Plaintiff,

CASE NO. 1:21CR226

v.

DAVIS LU,

AFFIDAVIT OF JASON KOLER

Defendant.

I, Jason Koler, being first duly sworn according to law, depose, and state as follows:

1. I am a resident of Ohio. I am over the age of eighteen and am competent to testify to the facts set forth herein.
2. I am the Vice President, Deputy Chief Information Security Officer at Eaton Corporation. I have been employed at Eaton since November, 2015.
3. I hold a Bachelor of Science degree in Information Management from Park University and a Master of Science degree in Digital Forensics Management from Champlain College.
4. As Vice President, Deputy Chief Information Security Officer, I oversee Eaton's Cybersecurity Incident Response Team ("CIRT"). I am responsible for managing all investigations conducted by the CIRT and assigning responsibilities to various members of the team. I held this role when Eaton investigated Davis Lu's interactions with the Enovia system. I regularly consulted with members of the CIRT involved in Lu's investigation and met with Davis Lu during the course of the investigation.

5. During the course of Eaton's investigation into Davis Lu's activities, I also worked with the United States Attorneys Office for the Northern District of Ohio.
6. On January 14, 2022, I received an email from AUSA Brian Deckert requesting that I determine if certain documents were still in Eaton's possession.
7. The January 14, 2022 email included a letter from Davis Lu's counsel requesting "Electrical Enovia server restart logs from SiteScope from January 1, 2019, to December 31, 2019, including any/all email notifications sent to users."
8. On March 11, 2022, I emailed AUSA Deckert, informing him that Eaton did not possess documents responsive to the SiteScope request because "monitoring stopped on this application in 2013."
9. After consulting further with members of the CIRT, on April 11, 2022, I sent a follow-up email to AUSA Deckert clarifying that Eaton did possess SiteScope user audit logs dating back to September 2019.
10. I also informed AUSA Deckert that Eaton's data retention policies and procedures purge restart logs and alerts from SiteScope after 40 days and they were no longer available.
11. On April 14, 2022, I sent another email to AUSA Deckert containing the user audit logs from SiteScope that were still in Eaton's possession from September 1, 2019 through December 31, 2019. Members of the CIRT preserved these records during the course of their investigation into Davis Lu's activities.

12. After reviewing Exhibits 13 and 13A, I have concluded that the exhibits are not SiteScope records. Instead, Exhibits 13 and 13A are email notifications of an issue with a server. The Enovia system is configured to issue email notifications to Enovia's support team when there is an issue with a server's response. Davis Lu was a member of the Enovia support team at the time the email notifications were issued.

13. Once a member of the Enovia support team received the email notification, they were responsible for logging into the Enovia server to diagnose why the alert was triggered.

14. In my opinion, Exhibits 13 and 13A are examples of emails and not responsive to the request that Defense counsel sent to AUSA Deckert.

FURTHER AFFIANT SAYETH NAUGHT.

Signed by Black Knight EXP-DocVerify: 2025-05-22 08:12:59 EDT

Jason Koler

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JASON KOLER

SWORN TO and Subscribed before me this 22 day of May 2025.

Signed by Black Knight EXP-DocVerify: 2025-05-22 08:13:13 EDT



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Notary Public



ELIZABETH KOHN

NOTARY PUBLIC

STATE OF OHIO

My Commission Expires Feb 3, 2029

Notarial Act Performed by Audio visual communication